

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALLEN SIMMONS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:24-cv-00084-MTS
)	
TOGETHER CREDIT UNION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant’s Motion to Set Aside Clerk’s Entry of Default. Doc. [22]; *see also* Fed. R. Civ. P. 55(c). The Court has reviewed Defendant’s Motion and Plaintiff’s Response thereto. The Court concludes that there was no bad faith present in the default, that Defendant has presented meritorious defenses, and that there is an absence of prejudice shown. *See Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 784 (8th Cir. 1998) (setting forth factors court considers in determining whether to set aside entry of default). Given those factors and recognizing that there is a “judicial preference for adjudication on the merits,” the Court will grant Defendant’s Motion. *See Oberstar v. F.D.I.C.*, 987 F.2d 494, 504 (8th Cir. 1993).

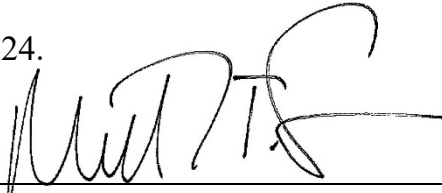
Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Set Aside Clerk’s Entry of Default, Doc. [22], is **GRANTED**, and the Clerk’s Entry of Default is **SET ASIDE**.

IT IS FURTHER ORDERED that Defendant shall file its responsive pleading no later than **Tuesday, October 01, 2024**.

IT IS FINALLY ORDERED that Plaintiff's Motion for Default Judgment, Doc. [17], is **DENIED**.

Dated this 17th day of September 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE